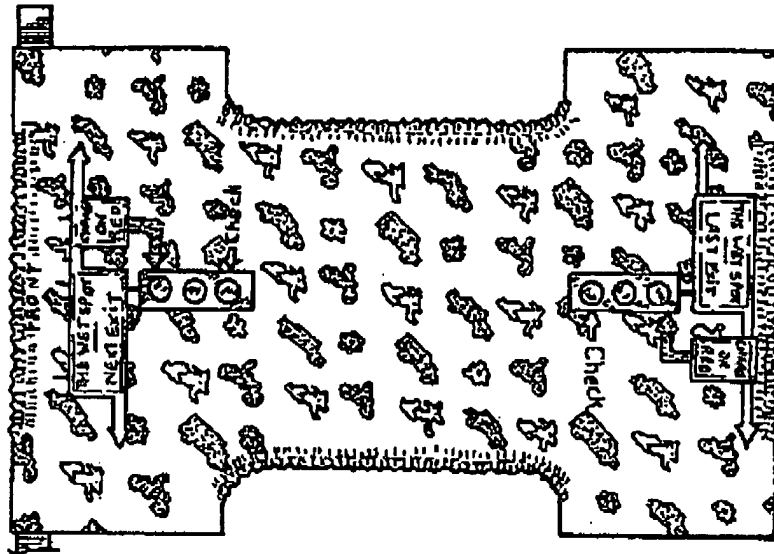


Application No. 09/928,785



The Examiner stated on page 2 of the Office Action that "Disposed on the outer cover are a permanent character graphic, an animal," Applicants previously noted, however, that the term "character graphic" has been defined in the specification and that the definition cannot be ignored. As noted in Applicants' Appeal Brief at page 5:

Appellants have defined a "character graphic" at pg. 6, line 10 of the specification as "a graphic containing an anthropomorphous image, and in particular an image having or suggesting human form or appearance which ascribes human motivations, characteristics, or behavior to inanimate objects, animals, natural phenomena, cartoon characters, or the like."

Even though Harju had not previously been cited by the Examiner, Applicants' Appeal Brief dealt with the question of whether or when an animal such as a dog would be considered a character graphic. Two paragraphs from pages 5-6 of the Appeal Brief are reprinted below:

The Examiner questioned whether a picture of a live dog or a bird would qualify as a "character graphic." Office Action, pg. 9. One need only review the definition of the term "character graphic" to know the answer: a picture of a live dog or bird, on their own, would not contain an anthropomorphous image, i.e., nothing suggesting human form or appearance which ascribes human motivations, characteristics or behavior. If instead, for example, the dog was given a shirt and a hat and was shown sitting up driving an automobile, such a depiction would clearly fall into the category of "character graphic." See attached Figure 1 of the application where a dog depicted as driving an automobile is not given human arms or legs, but is depicted in an act decidedly "non-dog-like" and is depicted

Application No. 09/928,785

with human motivations, characteristics and behavior. This dog is shown sitting upright in an automobile wearing a baseball cap and grasping a steering wheel like a human would engage in such an activity.

The Examiner suggested that motivation could be eating, sleeping, walking, sitting or running. Office Action, pg. 9. Appellants agree with the Examiner, while pointing out that in defining "character graphic" the specification modifies the word "motivations" with the word "human". By way of example, a picture of a live dog sleeping would not constitute a "character graphic," but the depiction of a dog sleeping like a human would be a "character graphic." Perhaps such a dog could be depicted as wearing pajamas and lying under the covers of an elevated bed or some other creative depiction. This is merely one possible example. A creative product designer would only be limited by his or her imagination in coming up with such depictions which portray the dog with human motivations, characteristics or behavior in the place of canine motivations, characteristics or behavior. The same could be said for the motivations of eating, walking and running. A "character graphic" would depict such motivations in a way that is human in nature as compared to the natural behavior of the inanimate objects, animals, or natural phenomena being depicted.

Even accepting the Examiner's position that Harju depicts an animal, Applicants submit that Harju does not disclose a permanent character graphic as that term is used in the present application. Accordingly, independent claims 1, 2, 3 and dependent claims 4, 6-8, 11, 13, 15-18, 24 and 30-31 are believed to be novel and nonobvious over the cited reference.

B. Rejection Of Claims 5, 9, 10, 12, 14, 19 and 38

Claims 5, 9, 10, 12, 14, 19 and 38 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Harju. Applicants respectfully traverse the rejection for at least the reason noted above in relation to independent claims 1-3. Accordingly, the rejection to claims 5, 9, 10, 12, 14, 19 and 38 should be withdrawn.

C. Rejection Of Claims 20 and 39

Claims 20 and 39 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Harju as applied to claims 1 and 38 above, and further in view of U.S. Patent 4,022,211 issued May 10, 1997 to Timmons et al. Applicants respectfully traverse the rejection.

For the reasons noted above in relation to independent claims 1-3, Applicants disagree with the Examiners contention that "Harju discloses all aspects of the claimed invention but remains silent as to the nature of the ink used in the active object graphic." For at least the reasons noted above in relation to independent claims 1-3, Applicants submit that Harju fails to disclose a permanent character graphic and the cited references jointly do not establish a prima facie case of

Application No. 09/928,785

obvious. Accordingly, dependent claims 20 and 39 are believed to be novel and nonobvious over the cited references.

D. Rejection Of Claims 21, 22 and 40

Claims 21, 22 and 40 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Harju as applied to claims 1 and 38 above, and further in view of U.S. Patent 5,389,093 issued February 14, 1995 to Howell. Applicants respectfully traverse the rejection.

For the reasons noted above in relation to independent claims 1-3, Applicants disagree with the Examiners contention that "Harju discloses all aspects of the claimed invention but remains silent as to the nature of the ink used in the active object graphic." For at least the reasons noted above in relation to independent claims 1-3, Applicants submit that Harju fails to disclose a permanent character graphic and the cited references jointly do not establish a prima facie case of obvious. Accordingly, dependent claims 21, 22 and 40 are believed to be novel and nonobvious over the cited references.

E. Rejection Of Claim 26

Claim 26 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Harju as applied to claim 1 above, and further in view of U.S. Patent 5,766,212 issued June 16, 1998 to Jitoe et al. Applicants respectfully traverse the rejection.

For the reasons noted above in relation to independent claims 1-3, Applicants disagree with the Examiners contention that "Harju discloses all aspects of the claimed invention with the exception of the active object graphic being disposed on a surface of the absorbent assembly that faces the outer cover." For at least the reasons noted above in relation to independent claims 1-3, Applicants submit that Harju fails to disclose a permanent character graphic and the cited references jointly do not establish a prima facie case of obvious. Accordingly, dependent claims 20 and 39 are believed to be novel and nonobvious over the cited references.

F. Information Disclosure Statements

The Examiner's attention is drawn to the Supplemental Information Disclosure Statement that was mailed May 6, 2004. The Examiner is requested to make of record receipt and review of the documents listed therein.

Application No. 09/928,785

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G. Conclusion

The application contains claims 1-24, 26, 30, 31 and 38-40, which are believed to be in condition for allowance, which action is earnestly requested.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: (920) 721-3617.

Respectfully submitted,

MARK T. CAMMAROTA ET AL.

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Registration No.: 33,385

Attorney for Applicant(s)

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Cynthia M. Trudell, hereby certify that on July 20, 2004 this document is being transmitted via facsimile to the Commissioner For Patents, Alexandria, VA, via RightFax number (703) 872-9306.

By: Cynthia M. Trudell

Cynthia M. Trudell